IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN BENCH AT JAIPUR

JUDGMENT

DB. CIVIL WRIT (PAROLE) NO. 2689/07

(PARAS RAM Vs. STATE OF RAJ. & ORS.)

.

DATE OF JUDGMENT : JULY 6, 2007.

PRESENT

HON'BLE MR. JUSTICE SHIV KUMAR SHARMA
HON'BLE MR. JUSTICE R.S. CHAUHAN

Mr. Satyapal Poshwal for the petitioner.
Mr. M.L. Goyal, P.P. for the State.

BY THE COURT : (PER HON'BLE CHAUHAN J.)

REPORTABLE

Confined within the stone walls of the Central Jail, Bharatpur, having spent six years, nine months and twenty eight days in captivity, the petitioner had hoped that he will be granted first regular parole under Rule 9 of the Rajasthan Prisoners (Release on Parole) Rules, 1958 (henceforth to be referred to as 'the Rules'). However, the District Parole Advisory Committee in its meeting held on 2.3.2007 rejected the case of the petitioner ostensibly on the ground that the Superintendent of Police had submitted an adverse report against the petitioner. Hence this petition before us.

The brief facts of the case are that vide judgment dated 16.9.03 the petitioner was convicted for offences under Section 302/34 IPC and was sentenced to life imprisonment by the Special Judge (SC/ST Cases), Sawai Madhopur. As on 13.4.07 the petitioner has spent 6 years 9 months and 28 days including the jail and the State remission earned by him. Since the petitioner's conduct was good in the jail during his period of incarceration, since he had completed one-fourth of his sentence, he was eligible for the first regular parole under Rule 9 of the Rules of 1958. Therefore, he had applied for the same. However, vide order dated 2.3.07 the Advisory Committee has rejected the petitioner's case.

Mr. S.P. Poshwal, the learned counsel for the petitioner has strenuously argued that the Advisory Committee has mechanically accepted the adverse report of the police, while totally ignoring the favourable report submitted by the Superintendent of Police, Central Jail, Bharatpur. According to the learned counsel the police report is not based on any investigation, but has been drawn up mechanically. Therefore, the Advisory Committee has not objectively assessed his case.

On the other hand, Mr. M.L. Goyal, the learned Public Prosecutor, has supported the decision of the Advisory Committee.

Parole is an essential ingredient of the reformative theory of punishment. The aim and object of incarcerating the convicted person is not just to punish him, but more importantly to reform him during the period of imprisonment. In order to teach good behavior to convicted prisoners, parole system was introduced as far back as in 1958. By denying parole to en eligible convicted prisoner, the prisoner is not only demoralized, but also demotivated from reforming himself. Therefore, the denial of parole has an adverse impact on the psychology and behavioral pattern of the prisoners. Hence the parole should not be denied in mechanical and callous manner. Repeatedly, both the Hon'ble Supreme court and this Court have encouraged a liberal grant of parole to the prisoners. The grant of parole has served three important purposes; firstly it is an incentive to a prisoner to reform himself, secondly it permits the family ties to be maintained during the long period of imprisonment; thirdly, it slowly brings the convicted prisoner back into the mainstream of society. Keeping these three aims in mind, the Jail Administration

should liberally grant parole.

Repeatedly, this court has directed the Advisory Committee not to ipsi dixit accept the adverse reports submitted by the police and the Social Welfare Officer. Infact, such reports are mechanically drawn up and are not based on any cogent investigation. Since the reform undergone by the prisoners has occurred infront of the Superintendent of Jail, it is his report which is crucial for determining the grant or rejection of the parole. In the present case, the Superintendent, Central Jail has stated that the petitioner's conduct in the jail has been good. Therefore, the Advisory Committee has failed to appreciate the report of the Superintendent, Central Jail in proper perspective. The Advisory Committee has erred in being swayed by the adverse report of the police and the Social Welfare Officer.

In the result this petition is allowed. The Supertendent of Police, Central Jail, Sewar, District Bharatpur is directed to release the accused petitioner Paras Ram S/o Shri Mohar Lal by caste Gurjar on his first regular parole of 20 days, provided the petitioner submits two sureties of 20,000/- each and a personal bond in the like amount

to the satisfaction of the Superintendent, Central Jail, Sewar, Bharatpur. The Superintendent, Centrla Jail is also directed to inform the concerned probation officer to moniter the activities and the whereabouts of the petitioner and to submit his report to the Superintendent, Central Jail on the completion of the parole period of 20 days. The said report shall form part of the record of the petitioner kept in the Jail Department. The petitioner is further directed to report to Police Station, Khandal, District Sawai Madhopur after every 7 days. In case he does not report to the Police Station, Khandal, the parole shall stand automatically vacated and the petitioner shall be arrested and brought back to the jail. The petitioner is also expected to maintain peace and to observe good behaviour during the parole period. The Dy. Registrar (Judl.) is directed to immediately send a copy of this judgment to the SHO, P.S. Khandal, District Sawai Madhopur for compliance.

(R.S. CHAUHAN) J. (SHIV KUMAR SHARMA)J.

MRG.